

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Pacific Gas and Electric Company (U 39 E) for a Certificate of Public Convenience and Necessity Authorizing the Construction of the Jefferson-Martin 230 kV Transmission Project.

Application 02-09-043
(Filed September 30, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON NOTICE OF INTENT TO CLAIM COMPENSATION**

This ruling addresses the Supplemental Statement of Californians for Renewable Energy (CARE) in Support of Its Notice of Intent (NOI) to Claim Compensation.

Background

By Administrative Law Judge (ALJ) Ruling dated March 11, 2004, CARE's NOI was deemed insufficient for failure to (1) demonstrate that it is a customer as that term is defined in Pub. Util. Code § 1802(b) and (2) provide documentation necessary to establish a showing of significant financial hardship. CARE was authorized to amend its NOI on or before March 25, 2004, to provide this information. CARE has timely filed a supplement to its NOI. No opposition to the supplement has been received.

Qualification as a Customer

Section 1802(b) defines the term "customer" as:

[A]ny participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission; any representative who has been authorized by a customer; or

any representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers....

Thus, there are three categories of customers: (1) a participant representing consumers; (2) a representative authorized by a customer; and (3) a representative of a group or organization authorized in its articles of incorporation or bylaws to represent the interests of residential customers.

CARE submits documents showing that it represents more than 40 individuals seeking expedited closure of Hunter's Point Power Plant. It also submits a copy of its bylaws that describe CARE's functions to include the following:

1. To supply on a nonprofit basis both nonprofessional and professional legal assistance to planning, conservation groups, small business customers, *residential customers*, small business and residential renewable energy self suppliers, and neighborhood groups, in regard to new energy projects in the state of California.
2. To engage on a nonprofit basis in research and information dissemination with respect to legal rights in a healthy environment by giving legal advice, *appearing before administrative bodies*, and enforcing environmental laws through court actions.
3. To employ legal counsel, technical experts, and associated staffing on a professional or contractual basis to carry out these purposes. (Emphasis added.)

CARE has submitted sufficient information to show that it is a "customer" within the meaning of Pub. Util. Code § 1802(b).

Significant Financial Hardship

Only those customers for whom participation or intervention would impose a significant financial hardship may receive intervenor compensation.

Section 1804(g) defines “significant financial hardship” as:

either that the customer cannot without undue hardship afford to pay the costs of effective participation, including advocates fees, expert witness fees, and other reasonable costs of participation, or that, in the case of a group or organization, the economic interest of the individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding.

CARE in its supplemental filing has attached its bank statement dated December 10, 2003, showing that the organization had available a total of \$287.70 as of that date. CARE also submitted the financial statement of Lynne Brown, a customer it is authorized to represent. The statement shows current income for Brown of \$540 per month. CARE also shows in its filing that effective participation in this proceeding is likely to cost well in excess of typical residential electric bills for its individual members.

CARE has submitted sufficient information to show that, absent intervenor compensation, it is likely to incur significant financial hardship within the meaning of Pub. Util. Code § 1802(g).

Conclusion

CARE in its NOI filed on December 5, 2003, and in its supplemental statement filed March 25, 2004, has met the statutory requirements and is eligible to claim intervenor compensation in this proceeding. This ruling in no way ensures compensation. As must any intervenor, CARE must fully support its request for compensation, including substantiating that it has made a substantial contribution and the reasonableness of the hours spent and hourly rates.

Compensation will not be paid for participation on issues that are irrelevant, outside the scope of the proceeding, or beyond the Commission's jurisdiction to resolve.

IT IS RULED that:

1. Californians for Renewable Energy, Inc. (CARE) meets the definition of a customer eligible to claim intervenor compensation in this proceeding.
2. CARE has provided the documentation necessary to establish a showing of significant financial hardship.
3. Pursuant to the Administrative Law Judge Ruling dated March 11, 2004, and this ruling, CARE will be eligible to claim compensation as an intervenor under Cal. Pub. Util. §§ 1801, et seq.

Dated May 10, 2004, at San Francisco, California.

/s/ CHARLOTTE F. TERKEURST

Charlotte F. TerKeurst
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated May 10, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.